

### REMARKS

After entry of this amendment, independent claim 1 is the only pending claim. Claim 1 has been amended to place it in condition for allowance. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendment and the following remarks is respectfully requested.

This amendment is filed in response to the Office Action dated September 23, 2003. In the Office Action the Examiner:

- rejected claim 1 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

#### Independent Claim 1

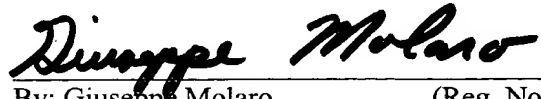
The Applicant would like to thank the Examiner for the suggestion provided for amendments to overcome the rejection and the courtesy extended during the telephone interview conducted on November 20, 2003 in connection with the above identified application.

Claim 1 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, claim 1 was rejected on the basis that it did not claim a technological basis. In accordance with the Examiner's suggestion, independent claim 1 has been amended to recite a "computer implemented method for ..." Furthermore, paragraph (f) of independent claim 1 has been amended to recite "adjusting the sale price of the Up and Down instruments using a computer ..."

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner consider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-790-6348, if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: November 24, 2003



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